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5 Attorneys for Defendants  
6 JEFFREY A. GIANNINI; ALBERT P. GIANNINI  
AND THE GIANNINI LIVING TRUST  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 ROBERT McCARTHY,  
12 Plaintiff,

13 v.

14 JEFFREY A. GIANNINI;  
15 ALBERT P. GIANNINI, JR; AND  
THE GIANNINI LIVING TRUST; and  
16 DOES 1 THROUGH 10, Inclusive,  
17 Defendants.

Case No. C-07-05376-PVT

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED  
STATES DISTRICT COURT JUDGE**

Judge: Hon. Patricia V. Trumbull

18 **REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT COURT JUDGE**

19 The undersigned party in the above-captioned matter hereby declines to consent to the  
20 assignment of the case to a United States Magistrate Judge for trial and disposition and hereby  
21 requests reassignment to a United States District Court Judge.

22 Dated: November 8, 2007

/s/ Tyler M. Paetkau

23 TYLER M. PAETKAU  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendants  
24 JEFFREY A. GIANNINI;  
25 ALBERT P. GIANNINI, JR. AND  
26 THE GIANNINI LIVING TRUST

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**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE**

Case No. C-07-05376